

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ISSAC N. CORONADO,

Plaintiff,

No. 2:21-cv-0215 WBS CKD P

v.

NARINDER SAUKHLA,

Defendant.

ORDER TO SHOW CAUSE

Plaintiff is a California prisoner proceeding pro se with a civil action. Defendant is a physician employed by the California Department of Corrections and Rehabilitation at the California Medical Facility.

On September 21, 2022, the court granted a motion to compel brought by defendant and ordered plaintiff to serve responses to defendant's first request for production of documents and first set of interrogatories within 30 days. Plaintiff was warned that failure to comply with the court's order would result in sanctions which could include dismissal of this action. The court also ordered that any follow up motion to compel as to defendant's first request for production of documents and first set of interrogatories had to be filed within 45 days.

Before the 45-day period elapsed, defendant filed another motion to compel in which defendant asserts plaintiff ignored the court's September 21, 2022, order. Plaintiff filed oppositions to the motion November 28, 2022, and January 3, 2023. The court has reviewed the

1 oppositions and the other relevant parts of the record. It appears plaintiff did not comply with the
2 court's September 21, 2022, order by responding to defendant's first request for production of
3 documents and first set of interrogatories, and plaintiff has not provided an adequate justification
4 for not doing so.

5 Also, plaintiff has filed a motion to compel responses to discovery requests. There are
6 two main problems: 1) plaintiff does not specify the discovery requests served by him which
7 require a further response by defendant; and 2) the deadline for filing a motion to compel was
8 August 19, 2022 (ECF No. 33). This motion is frivolous, despite the fact that plaintiff has been
9 warned on two separate occasions (ECF No. 84 & 98) that if he continues to file frivolous
10 motions the court will impose sanctions which could include dismissal.

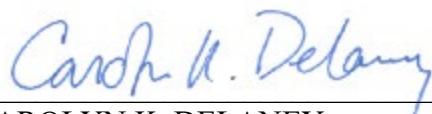
11 In light of the foregoing, IT IS HEREBY ORDERED that:

12 1. Plaintiff must show cause within 21 days why this action should not be dismissed
13 under Rule 41(b) of the Federal Rules of Civil Procedure for plaintiff's failure to follow court
14 orders by (1) refusing to cease in the filing of frivolous motions and requests and (2) refusing to
15 adhere to the court's September 21, 2022 order that he serve responses to defendant's first request
16 for production of documents and first set of interrogatories.

17 2. Defendant's November 4, 2022, motion to compel is denied as moot.

18 3. Plaintiff's January 17, 2023, motion to compel is denied as frivolous.

19 Dated: January 30, 2023



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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